

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff

vs

VICTOR TOMAS ARCE-SOLTREN

Defendant

CRIMINAL 05-0288CCC

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, on August 24, 2005 a Federal Grand Jury sitting in the District of Puerto Rico returned an Indictment charging the defendant Víctor Tomás Arce-Soltren with violations of Title 21, United States Code, Sections 841 and 846;

AND WHEREAS the Indictment also contained a Criminal Forfeiture Allegation indicating that upon conviction the defendant shall forfeit to the United States any and all property constituting or derived from proceeds obtained directly or indirectly as a result of violations of Title 21 United States Code, Sections 841, and 846;

AND WHEREAS the Indictment specifically named the following property as subject to forfeiture:

a) A sum of money equal to Three-Hundred and Fifty Thousand Dollars (\$350,000.00) in United States currency representing the amount of money paid by the defendant to facilitate his violation of Count One.

b) A 1999, white Mitsubishi Diamante vehicle, identification number 6MMAP47P2XT000297, representing the vehicle that the defendant used to facilitate his violation of Count One.

AND WHEREAS on December 1, 2005 the defendant entered a Plea and Forfeiture Agreement whereby he pled guilty to Counts One and Two of the Indictment and further agreed to forfeit the property mentioned above;

AND WHEREAS on March 9, 2006, the defendant was sentenced to one hundred and twenty (120) months of imprisonment and further, the defendant was ordered to forfeit to the United States the property mentioned above;

AND WHEREAS by virtue of the conviction and verdict in this case, the United States is now entitled to possession of said property, pursuant to Title 21, United States Code, Sections 853, 881, and Rule 32(d) of the Federal Rules of Criminal Procedure,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

- 1) That based upon the conviction in this case any and all of the defendant's interest in the above-listed property is hereby forfeited to the United States and the United States is hereby authorized to seize the same for disposition in accordance with the law, subject to the provisions of Title 21 United States Code, Section 853.
- 2) That the aforementioned forfeited property is to be held by the United States Marshals Service in their secure custody and control.
- 3) That pursuant to Title 21 United States Code, Section 853, the United States forthwith shall publish three time for three consecutive weeks in "El Nuevo Día," a newspaper of general circulation in the Island of Puerto Rico, notice of this Order, notice of the United States Marshals Service's intent to dispose of the property in such manner as the Attorney General may direct and notice that any person, other than the defendant, having or claiming a legal interest in the above-listed forfeited property must file a petition with the Court within thirty (30) days of the publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in each of the forfeited property and any additional facts supporting the petitioner's claim and the relief sought. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is subject of the Order of Forfeiture, as a substitute for published notice as to those persons so notified.

CRIMINAL 05-0288CCC

3

4) That upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to Title 21 United States Code, Sections 853, and 881, in which all interests will be addressed.

SO ORDERED.

At San Juan, Puerto Rico, on January 19, 2007.

S/CARMEN CONSUELO CEREZO
United States District Judge